



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES

SHELLY EDGERTON
DIRECTOR

STATE BOUNDARY COMMISSION

Michigan Library & Historical Center
Lake Superior Conference Room
702 West Kalamazoo Street
Lansing, MI 48933

MINUTES

October 12, 2016
1:30 p.m.

SAINT JOSEPH COUNTY
DOCKET #16-AR-1

MEMBERS PRESENT

Mr. David Doyle, Chairperson
Ms. Pamela Jarvis, State Commissioner
Mr. Mike Rice, State Commissioner
Ms. Mary Brenneman, Local Commissioner
Mr. Frederick Pattee, Local Commissioner
Mr. David Northrop, Alternate Local Commissioner

MEMBERS ABSENT

Ms. Linda Murray, Alternate Local Commissioner

DEPARTMENT PERSONNEL ATTENDING

Mr. Keith Lambert, Acting Director, BCC
Mr. Patrick Fitzgerald, Assistant Attorney General,
Mr. Michael Barger, Manager, Office of Land Survey and Remonumentation, BCC
Ms. Lakisha Thomas, Assistant, Administrative Services Division, BCC

OTHERS IN ATTENDANCE

Ms. Janell Hart, Three Rivers City Commissioner
Ms. MaryAnn Belshaw, Three Rivers Resident
Mr. Augustus Hilson, Three Rivers Planning Commissioner
Ms. Charlene Zavala, Lockport Township Resident
Mr. Seth Koches, Lockport Township Attorney
Mr. Douglas Kuhlman, Lockport Township Zoning Administrator
Ms. Sherrie Nowicki, Lockport Planning and Zoning Chairperson
Mr. Jared Hoffmaster, Youth Sports Complex Committee
Ms. Lynn Mcleud, Meadows Home Owner

Providing for Michigan's Safety in the Built Environment

Mr. Andrew Mulder, Three River City Attorney
Mr. Joe Bippus, Three Rivers City Manager
Mr. Alex Ebenstein, Three Rivers City Former GIS Tech

1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairperson Doyle called the meeting to order at approximately 1:33 p.m. and read the Opening Statement. A quorum was determined present at that time.

2. **APPROVAL OF AGENDA**

A **MOTION** was made by Commissioner Rice and **SECONDED BY** Commissioner Jarvis to approve the agenda for Saint Joseph County Docket#16-AR-1. **MOTION CARRIED UNANIMOUSLY.**

3. **APPROVAL OF DRAFT MINUTES**

A **MOTION** was made by Commissioner Jarvis and **SECONDED BY** Commissioner Rice to approve the August 10, 2016, Lapeer County draft minutes, Docket #15-AP-3. **MOTION CARRIED UNANIMOUSLY.**

A **MOTION** was made by Commissioner Jarvis and **SECONDED BY** Commissioner Rice to approve the August 10, 2016, Washtenaw County draft minutes, Docket #15-AR-2 thru 9. **MOTION CARRIED UNANIMOUSLY.**

4. **UNFINISHED BUSINESS**

None

5. **NEW BUSINESS**

Commission Review

- a. Mr. Barger reviewed his findings with the commissioners on Docket #16-AR-1, petition for annexation of land area in the township of Lockport to the City of Three

Rivers, which was filed with the State Boundary Commission on June 30, 2016. Based only on our review of the laws and rules that govern the State Boundary Commission and the content of the petition, we are of the opinion that the petition to request the annexation of land in Lockport Township to the City of Three Rivers, Docket 16-AR-1, meets legal sufficiency. The commission may consider the review and opinion, along with the petition and other evidence and testimony presented when making the decision.

Chairman Doyle discussed the process of the petition with the commission.

Commissioner Jarvis asked if there would be any bearing on what is going on with the case and would the commission only be determining legal sufficiency. Mr. Fitzgerald answered, yes potentially and that the commission would only be determining legal sufficiency.

Chairman Doyle questioned if the petition moves forward would any new islands be created? Mr. Barger answered yes one island in particular would be created.

Public Comment on the Petition

- a. Mr. Andrew Mulder, Three Rivers City Attorney, stated that the site selection and the building of a youth complex has been an ongoing issue since January 2015. In February 2016, a decision was made by the city to acquire 80 acre parcel for purposes of annexation under MCL 117.9(8) as a result of a funding agreement with Saint Joseph County entered in January 2016. The county agreed to fund \$2.8 million of the physical property to be done to create the sports complex. Litigation was filed by Lockport Township for declaratory judgment under the statute, as if the property was vacant. The claim on vacancy was a waterline that consisted of 1.5% of the 80 acre parcel located underground in a nonexclusive easement that because this waterline was on the property the property was not vacant and could not be annexed by the city under the statutory section. Mr. Mulder continued to state that there was a hearing before Judge Middleton in Saint Joseph County. Judge Middleton granted summary disposition in favor of the city and granted a stay which postponed the effectiveness of the decision because the township filed an appeal through the Michigan Court of Appeals. It has been briefed in the court of appeals and has not been set for oral argument and could take up to a year. Mr. Mulder pointed out differences of what is done through an annexation resolution under MCL 117.9(8) and what the commission has before them. Mr. Mulder asked that if the commission finds legal sufficiency that the commission consider a certain area and two parcels of land owned by merging Construction Services be included in the petition.
- b. Mr. Seth Koches, Attorney for Lockport Township, presented the commission with letters from the residents of Lockport Township and asked if they had

received and reviewed the letters he submitted to them. Mr. Koches informed the commission that the township is not opposed to having the sports complex they are just against having it where the city is demanding it should be. Mr. Koches continued to say that the reasons why the city wants the sports complex in that particular area was not contained in section 5 of the city's petition. Mr. Koches indicated that the commission should be aware of all facts whether favorable or unfavorable. The value of the waterline itself when it was installed ten years ago is roughly 39% of what the city purchased the property for last year. Judge Middleton denied the motion of preliminary injunction to stop the annexation based on the waterline being considered as "occupying" the property, but granted a motion to stay the decision pending the Court of Appeals review. It is Mr. Koches' opinion that the commission should consider the township's position along with a general understanding of the entire statement of facts before a determination on legal sufficiency is made.

- c. Mr. Douglas Kuhlman, Lockport Township Zoning Administrator, stated that the information on the application had several inaccuracies in the information that was submitted. Part 1 map keeps changing. Mr. Kuhlman stated that 70 homes that are supplied by the water main will be affected. The community, as well as the county, is divided because the county has submitted funds to help the project. Mr. Kuhlman stated it is sad that relationships have fallen apart and asked the commissioners to reject the petition and let the Court of Appeals handle the situation.
- d. Chairperson Doyle questioned if the island was occupied property. Chairperson Doyle asked that the residents surrounding the island be notified for possible inclusion.
- e. Ms. Janell Hart, Commissioner of Three Rivers City, stated that it is a sad thing to have to be here. The city commission voted on this resolution for the people in their area, not for one or two people to be excluded or included. Ms. Hart said she hopes the commission will come to an agreeable determination.
- f. Ms. MaryAnn Belshaw, resident of Three Rivers, thanked the commission for allowing her to have an opportunity speak. Ms. Belshaw stated that the majority of the residents that surround the area are senior citizens. They have invested time and financial resources in obtaining safe, secure, and sustainable housing. Ms. Belshaw stated that the residents were originally told the field was zoned for residential and would be used for housing. The city continually refused to listen to their concerns or the township's concerns so they are respectfully bringing them before the State Boundary Commission. The residents are concerned about the quality of life, traffic, crowd size, safety, property value, noise and lights that would be coming from the sports complex. Ms. Belshaw said they have been misrepresented in the past by local

government's decision with the proposed sports complex property. Ms. Belshaw is concerned this annexation would be an invasion of their homes and asked the commission to find the city to not be legally sufficient.

- g. Ms. Charlene Zavala, resident of Lockport township, states she has been a resident since 1982 and loves the country setting. Ms. Zavala says red flags were drawn while reading through the petition. The project went from a youth sports complex to a sports complex. She said she pulled out an article from the Sturgis Journal from January 2016, which stated there would be men, women and junior tournaments, a hotel and a pub/bar added to the sports complex. Ms. Zavala asked the commission to take into consideration the best interest of the residents of Lockport Township.
- h. Ms. Sherrie Nowicki, Chairperson of Lockport Township Planning and Zoning, stated that in 2005, a master plan project was completed that included the 80 acre parcel. Ms. Nowicki stated that the township is very limited with land and that the northern part of the township has already been developed out and has no further place to expand. The primary place where Lockport can grow, where demand is most high, is that north part of Lockport. Ms. Nowicki stated the city purchased the property with a mortgage they would have to pay back if they didn't pursue the project along with losing 80 acres of prime residential land. In 2000, the property was considered for a 120-home condominium development. The property was always zoned as residential.
- i. Mr. Jared Hoffmaster, Youth Sports Complex Committee, Mr. Hoffmaster explained that the big drivers behind this sports complex are Three Rivers Soccer, Three Rivers Rocket Football, and Three Rivers Little League Softball and Baseball. Mr. Hoffmaster stated he has a six, eight and nine year old, he coaches and volunteers work at the concession stand. Mr. Hoffmaster stated the teams have outgrown the fields they are currently using so after forming a committee they decided to look into other safe and convenient fields that would be large enough to accommodate the teams that would have a park and trails for the kids.
- j. Ms. Lynn Mcleud, Meadows home owner, stated this project has divided their community and pointed out on a map where some of the residents live and how they would be affected by the sports complex. Ms. Mcleud then read a letter that Mr. Hoffmaster wrote to the editor. Ms. Mcleud said that according to PA 425, at the end of 35 years, if the township does not have water or sewage then the property would go back to the Township and asked the commission for help regarding this matter.
- k. Ms. Janet Hall, Three Rivers resident, stated her and her daughter walked the Tim and Kellogg subdivisions and collected over 100 signatures from residents that do not want the sports complex. She explained that the residents are not against the sports complex they just do not want it at that location and the residents are

worried that people will have access to their subdivision.

A **MOTION** was made by Commissioner Rice and **SECONDED BY** Commissioner Jarvis to move Docket #16-AR-1 Annexation of Land Area in the Township of Lockport to the City of Three Rivers in Saint Joseph County be found Legally Sufficient. **MOTION CARRIED UNANIMOUSLY.**

A **MOTION** was made by Commissioner Rice and **SECONDED BY** Commissioner Jarvis for a Public Hearing to take place in Three Rivers at “A Place in Time” on December 13, 2016 at 5:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

6. **PUBLIC COMMENT**

None

7. **ADJOURNMENT**

A **MOTION** was made by Commissioner Jarvis and **SECONDED BY** Commissioner Rice to adjourn the session on Saint Joseph County. **MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at approximately 2:45 p.m.

